

1 migration without any assistance from BellSouth and without any interruption of the data  
2 service.

3

4 Finally, I respond to the concern that Bellsouth's batch ordering process excludes  
5 customers who obtain DSL services via line splitting arrangements and those who  
6 would elect to move from one CLP to another. I indicate that BellSouth's batch process  
7 will, in fact, allow the migration of large numbers of CLP customers provisioned via  
8 UNE-P to UNE-L and that because there were fewer line splitting lines provisioned at  
9 the request of CLPs region-wide than BellSouth central offices, accommodating line  
10 splitting via the batch migration process hardly seems necessary.

11

12 This concludes my summary.

13

14

15

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

BELLSOUTH TELECOMMUNICATIONS, INC.

EXECUTIVE SUMMARY

SURREBUTTAL TESTIMONY OF A. WAYNE GRAY

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 133Q

MARCH 1, 2004

1  
2  
3  
4  
5  
6  
7  
8  
9 In my surrebuttal testimony, I respond to the rebuttal testimonies of Mr. Mark David Van  
10 De Water on behalf of AT&T Communications of the Southern States, LLC. ("AT&T")  
11 and Mr. James D. Webber on behalf of MCI metro Access Transmission Services, LLC  
12 and MCI WORLDCOM Communications, Inc. ("MCI"), as to their speculations that  
13 Competing Local Providers ("CLPs") may be impaired from serving their mass market  
14 customers as facilities-based providers due to a lack of available Incumbent Local  
15 Exchange Carrier ("ILEC") collocation space in North Carolina.

16  
17 I reiterate the point that just because these CLPs (and others) have chosen not to  
18 collocate in all of the BellSouth central offices that serve their UNE-P (unbundled loop  
19 and port) customers, this fact is irrelevant in the context of this proceeding. CLPs have  
20 had, and will continue to have, little incentive to collocate their equipment in BellSouth's  
21 central offices, as long as BellSouth is required to provide unbundled local switching.  
22 The only collocation issue that this Commission must decide, in accordance with the  
23 FCC's direction in the TRO, is "whether a lack of sufficient collocation space gives rise

1 to impairment in [a] market.”

2

3 My testimony clarifies BellSouth’s obligations, pursuant to the FCC’s Rules, in regard to  
4 the provisioning of co-carrier cross-connections (“CCXCs”) between two different CLPs  
5 collocated in the same central office and I describe BellSouth’s new CCXC tariff offering  
6 (called “Intra-Office Collocation Cross Connects”) in BellSouth’s FCC Tariff No. 1, which  
7 is now available for ordering by the CLPs. This offering was tariffed to comply with the  
8 FCC’s Section 201 Rules, not to preclude carriers from requesting this service offering.

9

10 I also address AT&T’s concerns regarding its ability to perform “loop splitting” between  
11 two CLPs and offer several alternatives that may be employed by AT&T to accomplish  
12 the “split” of a UNE-loop (“UNE-L”) in the state of North Carolina.

13

14 In addition to the above, I respond to AT&T’s speculation that BellSouth may not have  
15 enough collocation space for all of the CLPs in the state of North Carolina, if the CLPs  
16 were required to convert their mass market customers from UNE-P (UNE-Platform) to  
17 UNE-L. BellSouth has sufficient collocation space in North Carolina to accommodate  
18 the needs of the CLPs and is willing to work with the CLPs to ensure that whatever  
19 collocation space is needed by the CLPs is provided within the provisioning intervals  
20 ordered by this Commission. Furthermore, if the CLPs are ordered to convert their  
21 mass market customers pursuant to this Commission’s finding of no impairment in this  
22 proceeding, the conversion of the first third of the embedded base would not begin until  
23 thirteen (13) months after the issuance of the final order. Thus, the CLPs would have

1 over a year to affirm their plans for the conversion of their embedded base of UNE-P  
2 circuits.

3

4 Finally, I address AT&T's assertion that BellSouth's current procedures for handling  
5 collocation applications may be inadequate if there is a surge of requests for new  
6 collocation applications and/or augmentation applications in the future and that, as a  
7 result, CLPs will experience delays in obtaining new or additional collocation space. If  
8 BellSouth experiences a significant increase in the number of applications and  
9 determines that it is necessary to increase its current staffing levels to meet the  
10 Commission-ordered provisioning intervals and avoid the assessment of SEEMS (Self  
11 Effectuating Enforcement Measures) penalties, BellSouth is prepared to do so.

12

13 This concludes my summary.

**FILED**

**MAR 01 2004**

Clerk's Office  
N.C. Utilities Commission

BELLSOUTH TELECOMMUNICATIONS, INC.

SURREBUTTAL EXECUTIVE SUMMARY OF ALFRED A. HEARTLEY

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100 SUB 133Q

MARCH 1, 2004

My name is Alfred A. Heartley and my business address is 754 Peachtree Street, Atlanta, Georgia 30308. My title is General Manager – Wholesale Performance and Regional Centers. I graduated from North Carolina State University in 1971 with a BS Degree in Applied Mathematics. I have over 32 years experience in the telecommunications industry working for BellSouth.

The Purpose of my surrebuttal testimony is to respond to portions of the rebuttal testimony of Mr. Mark David Van de Water on behalf of AT&T regarding the batch hot cut process. Mr. Van de Water states that it is unclear if and how BellSouth accounted for certain items in its forecast. These items include travel time to unmanned central offices, the number of shifts worked per day per central office, whether all lines after the first one in the batch were considered as additional lines for the purposes of staffing and the ratio of supervision to employees across BellSouth territory or accounted for the geographic dispersion of the central offices. I address each of these items in my surrebuttal testimony.

In summary, BellSouth Network Services will address any concerns that the Competing Local Providers (“CLPs”) have regarding our ability to handle the hot cut process.

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

BELLSOUTH TELECOMMUNICATIONS, INC.

EXECUTIVE SUMMARY

SURREBUTTAL TESTIMONY OF MILTON MCELROY, JR.

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 133Q

MARCH 1, 2004

1  
2  
3  
4  
5  
6  
7  
8 In my surrebuttal testimony, I respond to certain portions of the rebuttal testimonies of  
9 Mr. Mark David Van de Water on behalf of AT&T Communications of the Southern  
10 States, LLC. ("AT&T") and Ms. Sherry Lichtenberg on behalf of MCIMetro Access  
11 Transmission Services, LLC and WORLDCOM Communications, Inc. ("MCI"), as to  
12 issues related to batch migrations.

13  
14 In response to criticism that the batch ordering process did not exist and was not tested  
15 during the 271 proceedings, and BellSouth has not provided documentation on how the  
16 process works, I point out that BellSouth's batch migration process was not tested  
17 during the 271 proceedings simply because it did not exist at the time. As to how the  
18 process works, I indicate that BellSouth has provided a Competing Local Provider  
19 ("CLP") information package via BellSouth's web site that does, in fact, provide the  
20 requirements, options, submission/flow process, notification process, and intervals  
21 associated with the batch process.

22  
23 Finally, I address the concern about pre-implementation and post-implementation  
24 testing of BellSouth's batch process. I point out that the time for pre-implementation  
25 testing has passed because BellSouth has implemented the Bulk Migration process. As

1 to post-implementation testing, I indicate that since BellSouth has engaged  
2 PricewaterhouseCoopers ("PwC") to conduct an independent audit which observed a  
3 test of the Bulk Migration Process, as well as a number of live UNE-L migrations or hot  
4 cuts in several states, this testing should more than satisfy the need for post-  
5 implementation testing.

6

7 This concludes my summary.

8

9

10

**FILED**

**MAR 01 2004**

Clerk's Office  
N.C. Utilities Commission

BELLSOUTH TELECOMMUNICATIONS, INC.

EXECUTIVE SUMMARY

SURREBUTTAL TESTIMONY OF W. KEITH MILNER

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 133Q

MARCH 1, 2004

In my surrebuttal testimony, I respond to the rebuttal testimonies of Mr. Mark David Van de Water on behalf of AT&T Communications of the Southern States, LLC. ("AT&T") and Mr. James Webber on behalf of MCI Metro Access Transmission Services, LLC and WORLD COM Communications, Inc. ("MCI"), as to criticisms of BellSouth's Analysis of Competitive Entry ("BACE") model and specific issues concerning trunk blocking.

In response to MCI's assumption that within the BACE model Competing Local Providers' ("CLPS") can serve some or all of their end users with so-called Enhanced Extended Links ("EELs"), I discuss several areas in which the default inputs to the BACE model cause the model to yield financially conservative results. I discuss BellSouth's assumptions which yield a conservative result such as the quantity of switches a CLP will operate in a Local Access Transport Area ("LATA"), the use of special access transport instead of CLP-provided transport between the CLP's central office and the BellSouth access tandem, the use of special access transport instead of CLP-provided transport between the CLP's switch and the CLP's choice of directory assistance and operator services platforms, the portion of unbundled loops provisioned as Service Level 2 ("SL2")

1 loops rather than lower priced Service Level 1 ("SL1") loops, and all cutover of  
2 unbundled loops will be priced at the current non-recurring charge ("NRC") levels  
3 rather than discounted levels.

4

5 Finally, I respond to concerns regarding the adequacy of BellSouth's trunking  
6 facilities and begin by describing the considerations taken into account when  
7 designing and deploying trunking facilities. I address AT&T's concerns that traffic  
8 congestion and call blockage will occur due to traffic displacement once CLPs  
9 serve their customers from CLPs' switches rather than from the incumbent's  
10 switches, by providing an example of how traffic displacement might occur. I  
11 point out that while I agree that traffic displacement will occur, these situations  
12 have occurred countless times in the past and trunking engineers have  
13 successfully handled those transitions.

14

15 In summary, once BellSouth's BACE model is fully understood by CLPs as to its  
16 financially conservative results, it should become apparent that any "cost  
17 disadvantage" is much smaller than CLPs anticipated and thus does not impair a  
18 CLP's ability to compete.

19

20 This concludes my summary.

21

22

23

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

## BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 133Q

Executive Summary of the Surrebuttal Testimony of Ronald M. Pate

BellSouth Telecommunications, Inc., filed on March 1, 2004

My surrebuttal testimony addresses certain issues contained in the direct testimony filed on February 16, 2004, by Mark David Van de Water of AT&T Communications of the Southern States, LLC ("AT&T") and Sherry Lichtenberg of MCI WorldCom and MCI Metro ("MCI"). I address the following points related to the ordering of batch migrations, CLP-to-CLP migrations, flow-through, and the ability of BellSouth to scale its systems.

- My testimony explains that BellSouth implemented the change request for UNE-to-UNE batch migration as AT&T requested: a batch electronic ordering process with project-managed provisioning. My testimony rebuts MCI's claims about a lack of documentation for using the UNE-to-UNE batch migration process. Further, my testimony explains that, if CLPs choose to use machine-to-machine interfaces, they must program their side of the interface whenever they chose to use new functionality, such as the electronic ordering functionality for UNE-to-UNE batch migrations.
- My surrebuttal testimony reinforces my rebuttal testimony about BellSouth's position on holding a formal collaborative with the CLPs about the UNE-to-UNE batch migration. Although BellSouth has not agreed to establish a formal collaborative at this juncture, because of the CLPs' position on the manual provisioning of hot cuts, BellSouth has welcomed specific proposals for changes and improvements to this or any other process that would benefit the CLPs and BellSouth. BellSouth has agreed to incorporate many changes, based on what it has heard during various workshops, into its already seamless and effective process for batch migrations.

- 1       • My surrebuttal testimony reinforces my rebuttal testimony on issues related to CLP-to-  
2       CLP migrations. MCI complains about related to the CLPs' transactions with each other,  
3       and their apparent inability to cooperate with each other, not BellSouth's already seamless  
4       and effective UNE-to-UNE batch migration process. My testimony also discusses, as in  
5       my rebuttal testimony, that two collaboratives are already appropriately handling CLP-to  
6       CLP issues: (1) the "end user migration" collaborative of the Telecommunications  
7       Competitive Interests Forum under the auspices of the Florida Public Service  
8       Commission, and (2) a multi-provider collaborative under the Ordering and Billing  
9       Forum, the industry standards organization.
- 10      • My testimony corrects MCI's mischaracterization of the data provided by BellSouth in  
11      responses to interrogatories served earlier on BellSouth by AT&T. BellSouth was very  
12      clear in its responses that the numbers did not represent flow-through. AT&T did not ask  
13      for flow-through percentages when it served the interrogatories. Further my testimony  
14      explains that most UNE-L requests do flow through, and that BellSouth has provided  
15      proof that it can handle the CLPs' requests.
- 16      • Finally, my testimony explains that the Florida third party test tested the ability of  
17      BellSouth's systems to handle future CLP ordering volumes over a wide range of  
18      products/service request types, including various UNE-L scenarios. The test found that  
19      BellSouth's systems were capable of handling a significant increase in CLP ordering  
20      volumes.

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

**BELLSOUTH TELECOMMUNICATIONS, INC.**

**BEFORE THE**

**NORTH CAROLINA UTILITIES COMMISSION**

**DOCKET NO. P-100, Sub 133q**

**SUMMARY OF THE SURREBUTTAL TESTIMONY OF**

**DR. CHRISTOPHER JON PLEATSIKAS**

1  
2  
3  
4  
5  
6  
7  
8 I have several general observations regarding the geographic market definition comments  
9 and recommendations made by Dr. Bryant, Mr. Gillan, and Mr. Bradbury. First, the  
10 various CLP recommendations are inconsistent with one another in terms of geographic  
11 area. Second, no witness proposing a wire center-based definition has provided a  
12 compelling economic rationale to explain why wire center boundaries should be used as  
13 the basis for defining relevant geographic markets. Third, some of these witnesses have  
14 separately criticized the relevance of CEAs and of UNE Zones. These criticisms are  
15 misguided because in my analysis these concepts are not used *separately* to determine  
16 relevant markets. Finally, there is an undercurrent in the testimony of the witnesses that  
17 favor using wire center boundaries as the basis for defining the market that one should  
18 conduct the impairment analysis at the wire center level first, then (possibly) decide, on the  
19 basis of those results, the extent of the geographic market. This is inconsistent with sound  
20 economic analysis and is at odds with the direction in the TRO.

21

1 The economies of scale and scope available to CLPs in providing switch-based services are  
2 not, in general, consistent with using wire center boundaries as the basis for defining  
3 markets in this case. Further, the fact that some CLPs might evaluate the profitability of  
4 investments in each wire center does not imply that each wire center is a relevant economic  
5 market. Relevant economic markets are determined based on demand- and supply-side  
6 substitutability. While substitutability can, in some instances, be informed by the nature  
7 and content of the financial analyses conducted by firms, the nature and content of these  
8 financial analyses are insufficient in and of themselves to establish the boundaries of  
9 relevant markets.

10

11 In general, different parts of the same economic market are not, and need not be,  
12 homogeneous in all respects. However, the UNE Rate Zone concept I employ, as I  
13 understand it, is designed to capture the variation in the cost of the loops. To the extent  
14 that other costs or revenues vary systematically with UNE Rate Zone, they will also be  
15 accounted for, at least in part.

16

17 LATAs, by themselves, are unlikely to represent relevant geographic markets because it is  
18 likely that they do not adequately reflect differences in supply substitutability. For  
19 example, there may not be reasonable substitutability in supply between UNE Zone 1 and  
20 UNE Zones 2 and 3 within a particular LATA.

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

BELLSOUTH TELECOMMUNICATIONS, INC.

EXECUTIVE SUMMARY

SURREBUTTAL TESTIMONY OF JOHN A. RUSCILLI

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. P-100, SUB 133Q

MARCH 1, 2004

My surrebuttal testimony addresses numerous comments contained in the rebuttal testimony filed by other witnesses in this proceeding on February 16, 2004. Specifically, I address portions of the testimony of Messrs. Argenbright, Bradbury, Turner, Van de Water and Wood on behalf of AT&T Communications of the Southern States, LLC ("AT&T"), Mr. Gillan on behalf of Competitive Carriers of the South, Inc. ("CompSouth"), Dr. Bryant, Ms. Lichtenberg and Mr. Webber on behalf of MCI WorldCom Communications, Inc. and MCIMetro Access Transmission Services, LLC ("MCI") and Mr. Gildea on behalf of the Federal Executive Agencies ("FEA"). I address the following points:

- (1) BellSouth explains that there seems to be a general tendency toward selective obfuscation amongst several of the parties in their rebuttal testimony. While it is understandable that parties may have a difference of opinions on issues that require interpretation, in this proceeding where the FCC has provided clarity, several of the parties try to cloud the issues by creating unnecessary complications presumably because they do not like the clear direction given by the *TRO*.

1 (2) Contrary to assertions of Messrs. Wood and Gillan and their suggestions to  
2 downplay the role this Commission has in determining where impairment exists  
3 and does not exist, BellSouth explains that the reason the FCC devolved its  
4 responsibility to the state commissions was to ensure that a more granular,  
5 market-by-market analysis was performed.  
6  
7 (3) With respect to the definition of the geographic market, BellSouth discusses the  
8 diverse and contradictory position of the parties to this proceeding. MCI and  
9 AT&T offer varying definitions within their own corporate position. Even  
10 through the testimony of CompSouth, Mr. Gillan offers a definition that is in  
11 conflict with MCI, one of its member corporations. I explain that given the  
12 differences in proposed definitions, following BellSouth's proposal, UNE rate  
13 zones subdivided by component economic areas ("CEAs"), as discussed more  
14 fully by Dr. Christopher Pleatsikas, meet the requires of the *TRO*.  
15  
16 (4) BellSouth believes that its position that a 3 or fewer line cross over point for mass  
17 market customers is reasonable and stays within the mandate of the *TRO*.  
18 However, BellSouth recognizes that raising the cutoff, as Mr. Gillan has  
19 suggested, only improves the chance of finding mass-market non-impairment,  
20 and so is not unappealing to BellSouth. However, the Commission should remain  
21 mindful of the requirements of the *TRO* and the FCC rule that a single, clear  
22 cutoff point be established between "mass market" and "enterprise" customer  
23 segments.  
24

1       (5) My testimony rebuts the CLPs' assertions that the triggers test should contain  
2       additional criteria not included in the FCC rule setting forth the trigger test. Ms.  
3       Pam Tipton provides testimony relating to these fictional criteria and how, in  
4       contrast, BellSouth has simply applied the FCC's straightforward test to the  
5       markets that have been proposed to be unimpaired without access to local  
6       switching.

7  
8       (6) My testimony explains while the potential deployment test is not quite as  
9       straightforward as the "bright-line" self-provisioning trigger test, the *TRO*  
10      described it well enough for this Commission to examine the three criteria  
11      outlined in the *TRO*: evidence of actual switching deployment, operation barriers  
12      (such as the availability of collocation space and cross-connects), and economic  
13      barriers. If, after weighed these criteria, the Commission decides that self-  
14      provisioning of local switching could be economic, then it should make a finding  
15      of non-impairment.

16  
17     (7) Finally, I provide testimony explaining that this Commission must adopt and  
18     implement a batch hot cut process within 9 months of the effective date of the  
19     *TRO*. I also discuss how BellSouth decided to base its proposed rate for the batch  
20     hot cut process on the already approved TELRIC rates established by this  
21     Commission in the UNE Cost proceeding.

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission**EXECUTIVE SUMMARY – SURREBUTTAL - JAMES W. STEGEMAN****ON BEHALF OF BELL SOUTH TELECOMMUNICATIONS, INC.****BEFORE THE NORTH CAROLINA UTILITIES COMMISSION****DOCKET NUMBER P-100, SUB 133Q****MARCH 1, 2004**

In my surrebuttal testimony, I address five key topics in response to rebuttal testimony provided by Dr. Bryant and Mr. Webber of MCI, and Mr. Wood and Mr. Klick of AT&T.

First, the BACE model is open to review, structurally sound, and is a valid TRO potential deployment analysis tool. Indeed, each of the parties reviewing the model either imply that BACE can be used to support their own claims or use BACE results to support their claims. The availability of the BACE documentation, the BACE demonstration scenario, the BACE source code, and the full BACE model with all tables open to review, provide sufficient avenues for any party to evaluate the model. These avenues also provide a level of model review comparable to past telecommunications models and is comparable to the level of access to the model that I have myself as the model developer. In regard to data input, some of the underlying current market data used in BACE is not directly user adjustable since it is proprietary and commercially valuable. However, the user of BACE has the ability to set CLP price and demand levels based upon this current market data. That is, CLP price discounts and bundle prices, and penetration rates are fully determined by the user making it unnecessary for the user to directly change the initial market data to evaluate economic impairment.

1 Second, the rebuttal by the other parties concerning BACE is inconsistent and  
2 contradictory in three areas: whether the fundamental BACE approach is reasonable (in  
3 my opinion, BACE is reasonable and consistent with the TRO); whether BACE is  
4 sensitive or insensitive to changes in inputs (in my opinion, BACE reacts appropriately to  
5 input changes); and which BACE optimizations should be utilized.

6

7 Third, the complaints by the CLPs regarding BACE are generally founded on  
8 misinterpretation or misrepresentation of BACE.

9

10 Fourth, Mr. Wood's rebuttal regarding BACE is unsupported, undocumented and  
11 misleading.

12

13 Fifth, BACE is clearly superior to the other models filed in this proceeding and it satisfies  
14 the TRO guidelines for modeling economic impairment.

15

16 To conclude, BACE provides a valid, reviewable and robust TRO tool to investigate  
17 whether lack of access to UNE switching creates an economic barrier preventing CLP  
18 "potential deployment".

19

20

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

1 SUMMARY OF THE SURREBUTTAL TESTIMONY OF  
2 PAMELA A. TIPTON  
3 ON BEHALF OF BELL SOUTH TELECOMMUNICATIONS, INC.  
4 BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
5 DOCKET NO. P-100, SUB 133Q  
6 MARCH 1, 2004  
7  
8

9 In my surrebuttal testimony, I respond to certain portions of the rebuttal  
10 testimonies of AT&T witness Jay Bradbury, CompSouth witness Joe Gillan,  
11 MCI witness Dr. Mark Bryant, and Department of Defense witness, Harry  
12 Gildea.  
13

14 My testimony addresses the alleged "criteria" that witnesses Gillan, Bradbury  
15 and Bryant claim CLPs must meet to "qualify" as trigger candidates, and I  
16 demonstrate that such assertions go beyond the straightforward criteria set  
17 forth in the FCC's rule. The rule is straightforward and requires only that  
18 competing carriers 1) not be affiliated with each other or the incumbent and 2)  
19 be serving mass market customers in the particular market with the use of  
20 their own switch.  
21

22 My testimony also addresses specific arguments by AT&T witness Bradbury  
23 that AT&T's local switches do not qualify as mass market switches, and I  
24 demonstrate why his arguments are inappropriate. Additionally, my testimony

PUBLIC DOCUMENT

1 addresses witnesses Bryant and Gillan's attempts to disqualify the trigger  
2 companies. I explain why BellSouth considers these CLPs to be trigger  
3 companies.

4

5 Finally, I address the market definition proposals of witnesses Gillan and  
6 Gildea and identify the markets that would be trigger markets under such  
7 proposals.

8

9 This concludes my summary.

**FILED**

MAR 01 2004

Clerk's Office  
N.C. Utilities Commission

1                   BELLSOUTH TELECOMMUNICATIONS, INC.  
2                   SURREBUTTAL TESTIMONY OF ALPHONSO J. VARNER  
3                   BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

4                   FILED MARCH 1, 2004

5                   DOCKET NO. P-100 SUB 133Q

6

7                   **EXECUTIVE SUMMARY**

8

9   My Surrebuttal Testimony explains why various performance related positions  
10 taken by MCI witness Sherry Lichtenberg and AT&T witnesses Cheryl Bursh and  
11 Mark David Van De Water are seriously flawed. First, these witnesses attempt to  
12 summarily dismiss the relevancy of BellSouth's loop provisioning performance  
13 data results to the issues in this proceeding. Second, these witnesses attempt to  
14 present this same data in support of the misguided premise that if performance  
15 standards for UNE-P and UNE-Loops are different, CLPs will be impaired without  
16 unbundled local switching. Third, the witnesses claim that consolidated  
17 performance results do not provide a realistic view of BellSouth's performance in  
18 migrating the specific types of loops that will be migrated for mass-market  
19 customers. Lastly, the CLP witnesses incorrectly claim that BellSouth's proposed  
20 enhancements to the North Carolina Service Quality Measurement (SQM) and  
21 SEEMs Plans are inadequate.

22

23   Regarding the first issue, certain witnesses cite the same paragraph (§ 469) from  
24 the FCC's Triennial Review Order, as rationale for their position that BellSouth  
25 performance data on loop provisioning is irrelevant. In this part of their testimony

1 they ignore the fact that paragraph 512 of the TRO actually encourages state  
2 commissions to use this same data. The performance data provide a factual  
3 basis for assessing BellSouth's ability to perform loop provisioning in a timely and  
4 consistent manner. These facts show that BellSouth's performance in this area is  
5 excellent. So rather than address the facts, they attempt to convince this  
6 Commission that they can't look at them because the FCC forbids them to do so.  
7 Of course the FCC never said this and as practical matter there is no reason to  
8 substitute speculation for facts in this instance.

9  
10 In the second area CLPs now use the same data that they said the FCC forbade  
11 this Commission from using, but they attempt to change the standards to a  
12 nonsensical result. Here they use BellSouth performance data to allege that the  
13 different performance standards for UNE-P and UNE-L will cause the CLPs to be  
14 impaired without unbundled local switching Ms. Bursh claims that "BellSouth  
15 uses the wrong standard in attempting to demonstrate that CLPs do not face  
16 operational barriers to market entry absent unbundled local switching."  
17 Both Ms. Bursh and Ms. Lichtenberg point out that the Order Completion  
18 Intervals for UNE-P and UNE-L are different, and on that basis conclude that  
19 UNE-L performance is inferior, implying that they are impaired as a result of the  
20 difference. However, their self-proclaimed performance standard that UNE-P  
21 and UNE-L should be the same for order completion interval cannot be found  
22 anywhere in the TRO, nor do they indicate how CLPs are impaired due to the  
23 difference.

24 These witnesses rely on a fragment of footnote 1574 as the sole basis for their  
25 position. However, when you read the entire footnote, especially in the context of

1 paragraph 512 in which it is cited, you see that the CLPs are completely wrong.  
2 The FCC did not create some new performance standard. Instead they are  
3 referring to the same standards for nondiscriminatory access that you already  
4 measure for UNE loops.  
5 As a matter of common sense, Bellsouth's unbundled loop performance should  
6 not equal its UNE-P performance. Unbundled loops and UNE-P are different  
7 serviced. This Commission recognized this fact when it established performance  
8 standards for each service. If this Commission believed that the two services  
9 were the same, which the CLPs vehemently denied in the measurement  
10 proceedings, it would presumably have set equal standards for them.  
11 The real essence of what Ms. Bursh and Ms. Lichtenberg allege is simply that it  
12 takes less time on average to complete UNE-P orders, which are predominantly  
13 orders requiring a records change only, and no physical work, than the time  
14 involved on average to complete UNE-L orders where some form of physical  
15 work is always required. We agree with this observation, but it is not germane to  
16 the issues confronting this Commission in this proceeding.  
17  
18 The third claim by these witnesses is that consolidating results for 'all loops'  
19 "does not give a realistic view of BellSouth's performance in migrating specific  
20 types of loops that will most frequently be migrated for mass market customers."  
21 Ms. Bursh provides examples of a few failed submetrics and claim that these  
22 illustrate masked performance. Of course that ignore that BellSouth consistently  
23 passes most of the submetrics. First, the fact is that my Exhibit AJV-1 and  
24 Attachment 1 not only demonstrates that for UNE Local Loops, BellSouth  
25 processed 97% of all LSRs within the specified benchmark intervals during the

1 12-month period (October 2002 - September 2003), met performance standards  
2 for 97% of the provisioning submetrics and 93% of the maintenance & repair sub-  
3 metrics, but also provided detailed performance data for each submetric. Ms.  
4 Bursh is obviously aware of this fact because she uses some of this data in her  
5 testimony. Even more telling is that a detailed analysis reveal that performance is  
6 actually stronger than the aggregate statistics indicate because the data for most  
7 of the performance misses reflects a data anomaly instead of a performance  
8 problem. Regardless of the data view chosen, either the individual or aggregated  
9 presentation of data, the facts show that BellSouth performance is very high.  
10 Lastly, the CLP witnesses incorrectly claim that BellSouth's enhancements to the  
11 North Carolina SQM and SEEMs Plans are inadequate. In Exhibit AJV-2,  
12 BellSouth proposed 1 new ordering measurements, modifications to 5 existing  
13 ordering measurements as well as 1 new provisioning measurement and  
14 modifications to another existing provisioning measurement. Several of these  
15 measurements are already in the NC SEEM plan or proposed to be included in  
16 the SEEM plan.  
17 These proposed modifications, along with the existing North Carolina SQM and  
18 SEEM plan, are sufficient to address hot cut performance concerns.  
19 Witnesses propose titles for additional metrics that are impossible to decipher  
20 what they want to measure exactly. However it appears that the events that they  
21 propose to measure are already measured in the existing SQM, as ordered by  
22 this Commission, or the revision that I proposed.  
23  
24 I have presented a few examples of the types of issues raised by the CLPs in this  
25 proceeding relative to performance data results for loop provisioning and the hot

1 cut process, and these examples are representative of the unsubstantiated  
2 nature of the issues consistently raised by the CLPs. My testimony includes  
3 actual performance data, verified by independent third parties, which BellSouth  
4 provides to this Commission on a monthly basis for its review. These data  
5 provide the Commission with a demonstration of solid and consistent current  
6 performance from which the Commission may rightly infer that BellSouth will  
7 continue in the future to provide this high level of service.